

ENTERED

October 25, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

CHRISTOPHER PAGE,
TDCJ # 01876505,

Plaintiff,

VS.

PHILLIP R LEHMAN, *et al*,

Defendants.

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CIVIL ACTION NO. 3:18-CV-0338

MEMORANDUM OPINION AND ORDER

Plaintiff Christopher Page is an inmate in the Texas Department of Criminal Justice–Correctional Institutions Division (“TDCJ”). On October 16, 2018, Page filed a *pro se* civil rights complaint under 42 U.S.C. § 1983 against two correctional officers who are employed at the Ferguson Unit, where Page is presently confined. After reviewing the pleadings, the Court concludes that this action must be transferred to the Houston Division for reasons set forth briefly below.

Page captioned his complaint for the Southern District of Texas, Houston Division, but mailed it to the Galveston Division, where it was docketed. Page contends that the defendants used excessive force against him on December 10, 2017, at the Ferguson Unit, which is in Madison County. Madison County is located within the Southern District of Texas, Houston Division. *See* 28 U.S.C. § 124(b)(2). Neither the parties nor the alleged civil rights violations have the requisite connection to the Southern District of Texas, Galveston Division. Therefore, the complaint was not properly filed

here. *See* 28 U.S.C. § 1391(b); *Mayfield v. Klevenhagen*, 941 F.2d 346, 348 (5th Cir. 1991).

A district court has the authority to transfer a case in the interest of justice to another district or division in which the action might have been brought. *See* 28 U.S.C. § 1404(a), § 1406(a). In particular, Section 1404 authorizes a transfer based on considerations of convenience:

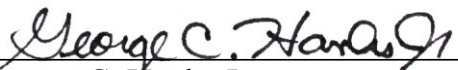
For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it may have been brought . . .

28 U.S.C. § 1404(a). A district court has “broad discretion in deciding whether to order a transfer.” *Balawajder v. Scott*, 160 F.3d 1066, 1067 (5th Cir. 1999). In the interest of justice, and for the convenience of the parties and witnesses, the Court concludes that the plaintiff’s complaint should be transferred to the Southern District of Texas, Houston Division. *See* 28 U.S.C. § 1391(b)(2); 28 U.S.C. § 1404(a).

Accordingly, the Clerk of Court is **ORDERED** to **TRANSFER** this case to the United States District Court for the Southern District of Texas, Houston Division.

The Clerk will provide a copy of this order to the parties.

SIGNED at Galveston, Texas, this 25th day of October, 2018.



George C. Hanks Jr.
United States District Judge